

## REMARKS

Claims 1-2 remain for prosecution in the present application.

Non-elected claims 3-5 have been canceled, without waiver of applicant's right to file one more divisional or other continuing applications directed to the subject matter of such non-elected claims and entitled to the filing date of the present application.

The foregoing amendments to the specification and drawings implement reference numeral corrections and define the meaning of the term "fixed" with reference to pin 26 in FIG. 2 (and pin 126 in FIGS. 3 and 4). Such amendments are fully supported by the application as filed. No new matter is presented.

Claims 1-2 have been rejected as being anticipated by JP 11-170308. Claim 1 has been amended more clearly to distinguish over this cited reference. Favorable reconsideration of claims 1 and 2 is respectfully requested.

It is axiomatic that, in order to "anticipate" a claim, "all the elements in the claim (or possibly their equivalents...) must have been disclosed in a single prior art reference or device." *Radio Steel & Mfg. Co. v. MTD Products, Inc.*, 731 F.2d 840, 845, 221 U.S.P.Q. 657, 661 (Fed. Cir. 1984). "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claims." *Lindermann Maschinenfabrik v. American Hoist & Derrick*, 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1983) (emphasis added). "It is improper for an examiner to attempt to rebuild a reference . . ., in light of appellant's disclosure, in order for it to operate in a manner never intended or contemplated" by the reference to support a rejection based upon alleged anticipation. *Ex parte Garrett*, 132 U.S.P.Q. 514 (POBA

1961). Moreover, "it is incumbent upon the Examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference." *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1462 (BPAI 1990). If anticipation is based upon alleged inherency, such alleged inherency must be certain, and cannot be established by probabilities or speculation. *Ex parte Cyba*, 155 U.S.P.Q. 756 (POBA 1967); *Ex parte Keither*, 154 U.S.P.Q. 320 (POBA 1967).

Amended claim 1 recites an apparatus for introducing moldable thermoplastic material into an annular mold cavity to mold an annular thermoplastic part that has no more than a single weld line therein. The apparatus includes an annular mold cavity having an annular opening, a fixed pin axially aligned with the opening of the mold cavity and being immovable during molding relative to the opening of the mold cavity, and a passage extending through the fixed pin for venting air from the mold cavity. This passage is illustrated at 126b in FIGS. 3 and 4. An annular sleeve surrounds the fixed pin and is movable with respect to the fixed pin between a first position that is adjacent to the mold cavity and a second position that is away from the mold cavity to define, in cooperation with the fixed pin when the annular sleeve is in the second position, an annular path for introducing moldable thermoplastic material into the annular opening of the mold cavity. Means are provided for introducing moldable thermoplastic material into the annular path, at a location upstream of the second position of the annular sleeve, in no more than a single path.

The cited Japanese reference does not disclose or suggest provision of a passage extending through the pin 2 of that reference for venting air from the mold cavity or otherwise. Nor would provision of such a passage have been obvious to persons of

ordinary skill in the art in view of the disclosure of the Japanese reference. FIGS. 2-4 and 8 of the Japanese reference appear to show a closed pocket 41 at the end of the pin 2, the purpose of which is not entirely clear. In any event, this pocket does not form a passage extending through the pin, for venting air from the mold cavity or otherwise.

It therefore is believed and respectfully submitted that all claims 1-2 remaining in the application are allowable at this time, and favorable action is respectfully solicited.

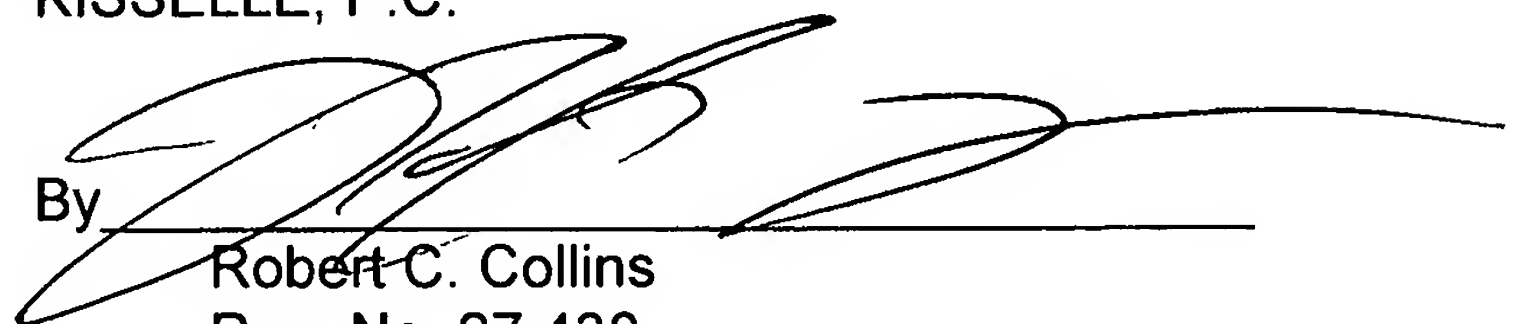
Attention is directed to the Supplemental Information Disclosure Statement that accompanies this Amendment.

Please charge any fees associated with this submission to Account No. 15-0875 (Owens-Illinois).

Respectfully submitted,

REISING, ETHINGTON, BARNES,  
KISSELLE, P.C.

By

A handwritten signature in black ink, appearing to read 'R. C. Collins', is written over a horizontal line.

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### **AMENDMENTS TO THE DRAWINGS**

Please replace the drawing sheets containing FIGS. 2-4 as filed with the enclosed Replacement Sheets containing FIGS. 2-4.

Also enclosed are Annotated Marked-up Drawings showing the reference numeral corrections to FIGS. 2-4.



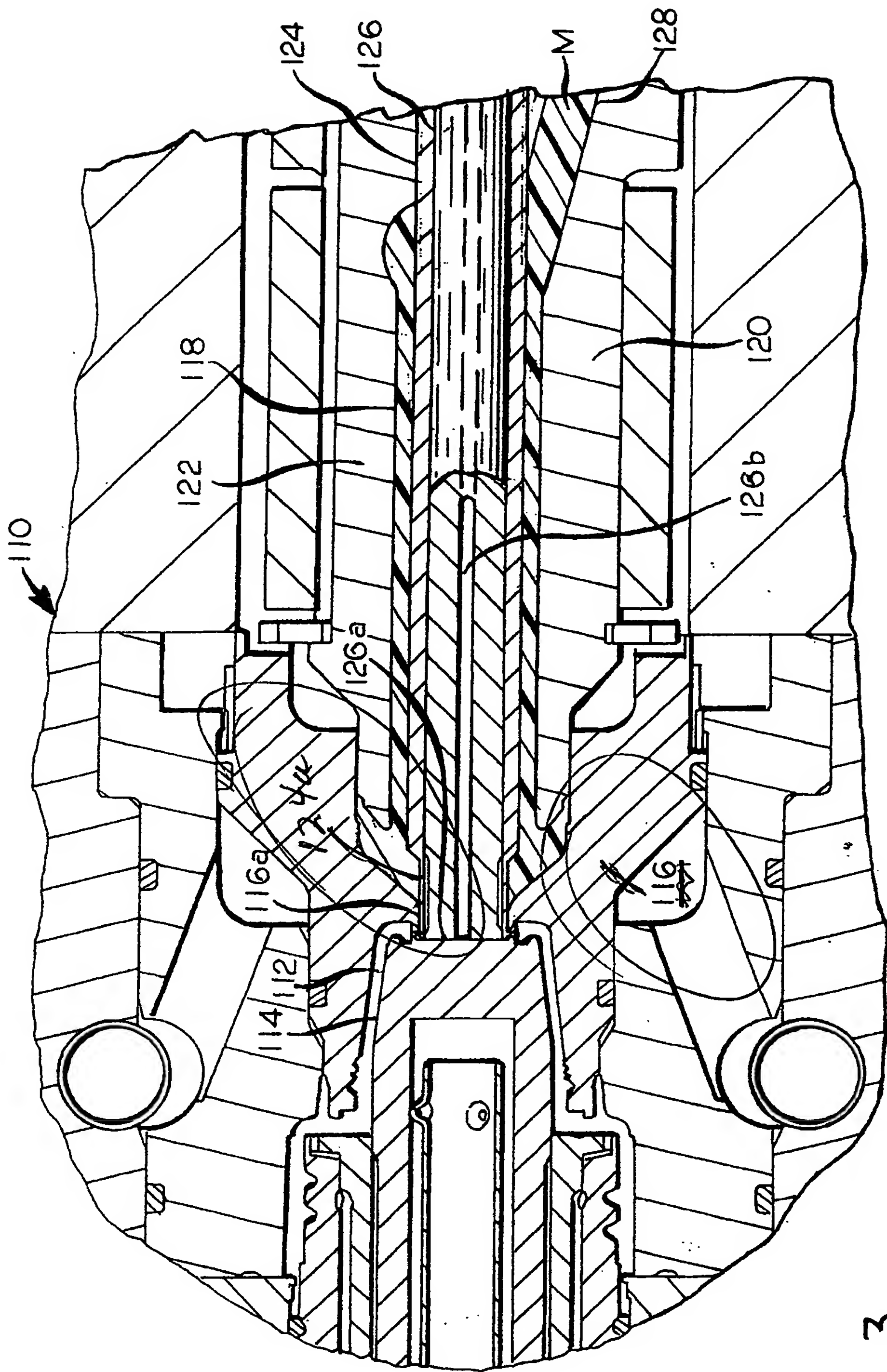


FIG. 3

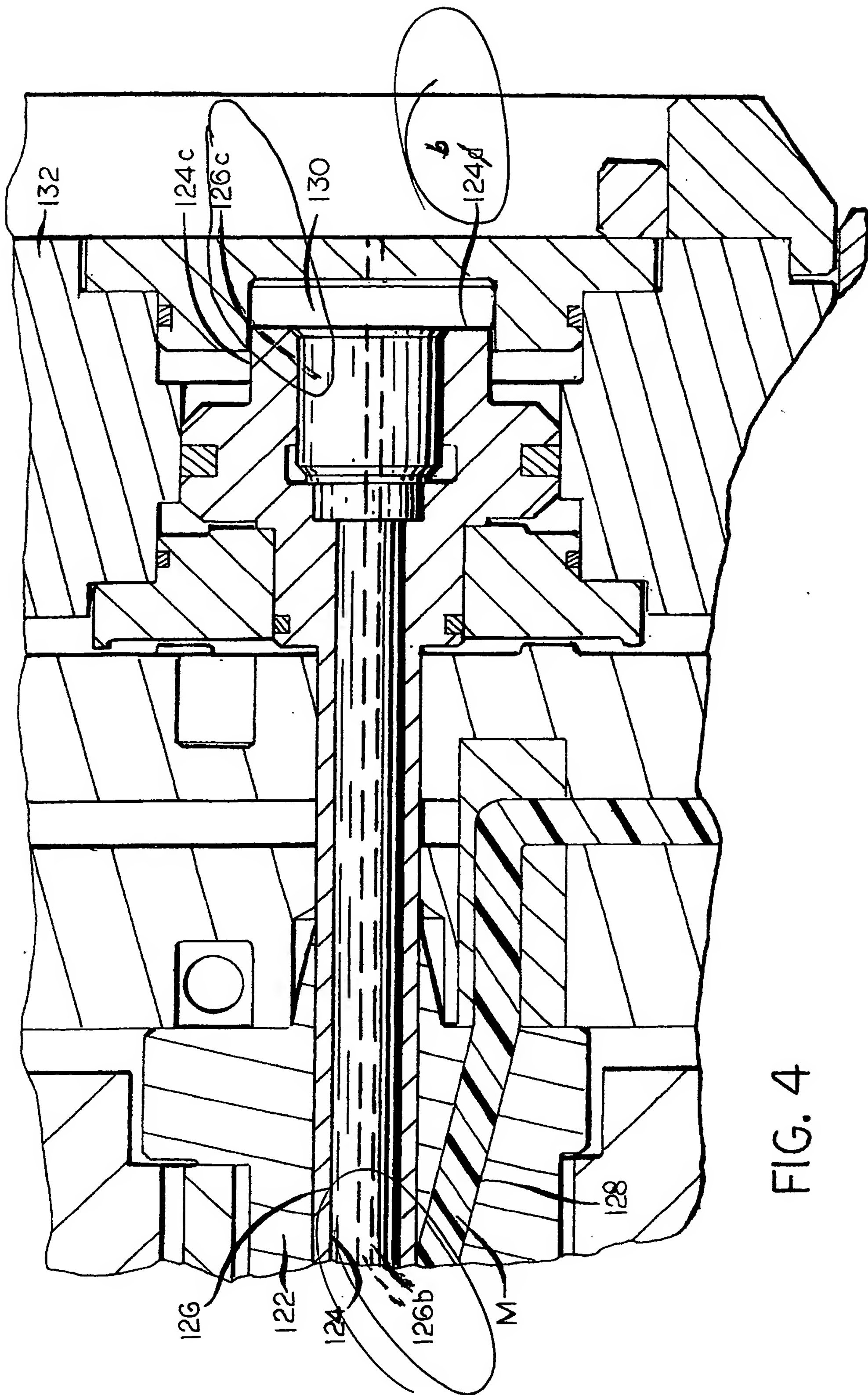


FIG. 4